

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, MAY 21, 2007**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m. on Monday, May 21, 2007, with Councillor Gray presiding.

Councillor Cain led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*  
*1 ABSENT: Cockrum*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Pfisterer recognized past and present service people for sacrifices made in honor of Memorial Day.

**OFFICIAL COMMUNICATIONS**

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

*Journal of the City-County Council*

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 21, 2007, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Monroe Gray  
President, City-County Council

May 1, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, January 31, 2007 and in the *Indianapolis Star* on Friday, May 4, 2007, a copy of a Notice of Public Hearing on Proposal Nos. 208-211, 2007, said hearing to be held on Monday, May 21, 2007, at 7:00 p.m. in the City-County Building and Notice of a Public Hearing on the Library Capital Projects Fund Plan, said hearing to be held on Thursday, May 17, 2007 at 4:00 p.m. in Room 260 of the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

May 7, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 37, 2007 – approves an appropriation of \$373,081 in the 2007 Budget of the Marion County Justice Agency (State and Federal Grants and Law Enforcement Funds) to fund the operations of the Metro Drug Task Force through the end of 2007, funded by a grant awarded by the Indiana Criminal Justice Agency (\$142,419) and Law Enforcement Fund balance (\$230,662)

FISCAL ORDINANCE NO. 39, 2007 – approves an appropriation of \$425,000 in the 2007 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-Lapsing Federal Grants Fund), to fund a United States Army federal training exercise that will simulate a terrorist attack in northern Marion County, financed by a grant from the U.S. Department of Homeland Security through the Indiana Department of Homeland Security

FISCAL ORDINANCE NO. 40, 2007 – approves a transfer of \$57,904 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants and Non-Lapsing Federal Grants Funds) to pay for salaries and cell phone expenses for the Victim Assistance Unit and to purchase cameras for the Indianapolis/Marion County Camera Project under the Buffer Zone Protection Plan

SPECIAL RESOLUTION NO. 29, 2007 – recognizes Tanya Detherage

SPECIAL RESOLUTION NO. 30, 2007 – determines the need to lease approximately 70,000 square feet of space at 1200 South Madison Avenue for use by the Departments of Metropolitan Development and Public Works

Respectfully,  
s/Bart Peterson, Mayor

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

May 21, 2007

## **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of April 30, 2007. There being no additions or corrections, the minutes were approved as distributed.

## **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 258, 2007. The proposal, sponsored by Councillor Pfisterer, recognizes Never Too Late and its work with the elderly and terminally ill adults. Councillor Pfisterer read the proposal and presented Mr. Bob Haverstick of Never Too Late with a copy of the document and a Council pin. Mr. Haverstick thanked the Council for the recognition. Councilor Pfisterer moved, seconded by Councillor Gibson, for adoption. Proposal No. 258, 2007 was adopted by a unanimous voice vote.

Proposal No. 258, 2007 was retitled SPECIAL RESOLUTION NO. 31, 2007, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 31, 2007**

A SPECIAL RESOLUTION recognizing Never Too Late and its work with the elderly and terminally ill adults.

WHEREAS, Never Too Late (NTL) was founded by Bob Haverstick and began granting wishes for residents in January 2000 at the Miller's Senior Living facility in Indianapolis; and

WHEREAS, the organization has since established relationships with the staff at dozens of long-term care facilities and in hospice programs across the state; and

WHEREAS, Never Too Late has touched the lives of almost 1,300 elderly and terminally ill adults; and

WHEREAS, Never Too Late is about making connections, making people feel good about themselves, and taking people who feel invisible and forgotten and showing them that they are appreciated. It is a full circle treatment, honoring the early and middle years of individuals and treating them with grace and dignity in their final years; and

WHEREAS, the efforts of Never Too Late are made possible by a passionate group of volunteers who help make the dreams of the elderly and terminally ill adults come true; and

WHEREAS, according to the Census Bureau, there are currently 36.3 million Americans 65 and older, and by 2050 there will be an estimated 86.7 million, reflecting that the time is right for Never Too Late to have a lasting impact on the lives of elders; and

WHEREAS, the ultimate goal for Never Too Late is to encourage the friends and relatives of elders and terminally ill adults to find out what dreams their loved ones have and help them to turn those dreams into reality.....before it is too late; now, therefore:

### **BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council proudly recognizes Never Too Late for its contributions to the elderly and terminally ill citizens of Indianapolis.

SECTION 2. The Council acknowledges Mr. Haverstick and the many volunteers involved in the Never Too Late program, and encourages the organization to continue making a difference in the lives of the elderly and terminally ill adults.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 259, 2007. The proposal, sponsored by Councillors Pfisterer, Lutz and McWhirter, recognizes WBDG for 41 years of service in Indianapolis. Councillors Pfisterer, Lutz and McWhirter read the proposal and presented representatives with copies of the document. Councillor Pfisterer moved, seconded by councillor McWhirter, for adoption. Proposal No. 259, 2007 was adopted by a unanimous voice vote.

Proposal No. 259, 2007 was retitled SPECIAL RESOLUTION NO. 32, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 2007

A SPECIAL RESOLUTION recognizing WBDG for 41 years of service in Indianapolis.

WHEREAS, WBDG-FM went on air for the first time on February 14, 1966 and has since made several contributions to the radio dial in Indianapolis; and

WHEREAS, the station has been among the first stations to adopt new technologies such as satellite news, compact discs, electronic music scheduling, and computer automation; and

WHEREAS, WBDG's student disc jockeys and announcers have made sensational contributions both inside and outside of the telecommunications field; and

WHEREAS, the station has won numerous awards including the President's Appreciation Award from the Ben Davis Lions Club, first place in the 2005 Indiana Association of School Broadcasters' (IASB) State Finals, second place in the 2004 IASB State Finals, and fourth place in the IASB State Finals. In addition, student broadcasters have also won prizes in national competitions; and

WHEREAS, WBDG regularly airs public service announcements, community announcements, and does remote broadcasts from school and community events to fulfill its goal of community service; and

WHEREAS, in 2003 with host Emerson Allen, WBDG began airing School Talk, a community affairs program that has tackled issues from school dress code to suicide; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes WBDG for its contributions to Indianapolis area schools and to the community.

SECTION 2. The Council heartily congratulates WBDG for 41 years of service.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Gray welcomed new Councillor Robert Lutz to his first official Council meeting. He then passed the gavel to Vice President Sanders.

PROPOSAL NO. 260, 2007. The proposal, sponsored by Councillors Gray, Mansfield and Conley, recognizes Halbert "Hal" and Ruth Kunz for many years of civic service in Indianapolis and Marion County. Councillor Gray read the proposal and presented Mr. and Mrs. Kunz with copies of the document and Council pins. Mrs. Kunz thanked the Council for the recognition. Councillor Gray moved, seconded by Councillor Mansfield, for adoption. Proposal No. 260, 2007 was adopted by a unanimous voice vote.

*May 21, 2007*

Proposal No. 260, 2007 was retitled COUNCIL RESOLUTION NO. 58, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 2007

A COUNCIL RESOLUTION recognizing Halbert "Hal" and Ruth Kunz for many years of civic service in Indianapolis and Marion County.

WHEREAS, Halbert William Kunz and Ruth Louise Kunz have been active in civic engagement in Indianapolis and Marion County since 1949; and

WHEREAS, among their civic activities Hal and Ruth Kunz helped organize and played an active role in the Crooked Creek Community Council, a federation of 14 Civic Leagues and the Highland-Kessler Civic League; and

WHEREAS, Hal and Ruth Kunz both served as Judges at the polls for every election for many years, and served as Precinct Chairman in their Washington Township Precinct; and

WHEREAS, Hal and Ruth Kunz were active in the affairs of the former Grandview School and of the Washington Township Planning Committee while their daughters were students; and

WHEREAS, Hal and Ruth Kunz have played leadership roles in the Indiana German Heritage Society, the Atheneum Foundation, the Atheneum Turners Organization, and have helped organize the Dans Norden group, which performs Scandinavian folk dancing; and

WHEREAS, Hal and Ruth Kunz have served alternately as president of the Crooked Creek Garden Club as master gardeners; and

WHEREAS, the involvement, commitment and enthusiasm of Hal and Ruth Kunz for their neighborhood, community, City of Indianapolis and Marion County is and should be a model for all citizens; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Hal and Ruth Kunz for their many contributions to the City of Indianapolis and Marion County.

SECTION 2. The Council acknowledges Hal and Ruth Kunz for many years of dedicated service.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 176, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 176, 2007 on May 16, 2007. The proposal, sponsored by Councillor Plowman, supports the restoration of competition within agricultural biotechnology markets. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken due to withdrawal of the sponsor. Councillor Nytes moved, seconded by Councillor Plowman, to strike. Proposal No. 176, 2007 was stricken by a unanimous voice vote.

PROPOSAL NO. 257, 2007. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 257, 2007 on May 17, 2007. The proposal, sponsored by Councillors Gibson and Conley, approves the Indianapolis-Marion County Public Library's Library Capital Projects Fund Plan for 2008-2010. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gibson moved, seconded by Councillor Conley, for adoption. Proposal No. 257, 2007 was adopted on the following roll call vote; viz:

*15 YEAS: Bateman, Boyd, Brown, Conley, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pryor, Sanders, Vaughn*  
*12 NAYS: Abdullallah, Borst, Cain, Day, Franklin, Langsford, Lutz, McWhirter, Pfisterer, Plowman, Schneider, Speedy*  
*1 NOT VOTING: Randolph*  
*1 ABSENT: Cockrum*

Proposal No. 257, 2007 was retitled GENERAL RESOLUTION NO. 7, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 2007

A PROPOSAL FOR A GENERAL RESOLUTION approving the Library Capital Project Fund Plan of the Indianapolis – Marion County Public Library.

WHEREAS, pursuant to I.C. 36-12-12-3, the Indianapolis-Marion County Library Board adopted its Library Capital Projects Fund Plan for 2008-2010 on April 19, 2007, and certified the plan to the City-County Council on April 27, 2007; and

WHEREAS, pursuant to I.C. 36-12-12-4 the City-County Council is required to hold a public hearing on the plan within thirty days of its receipt and either approve or reject the plan before August 1, 2007; and

WHEREAS, the City-County Council advertised and held the public hearing on the plan before its Municipal Corporations Committee on May 17, 2007; and

WHEREAS, the Indianapolis – Marion County Public Library is an integral and necessary component of the quality of life we enjoy in Indianapolis – Marion County. By its services, it makes major contributions to the education and information available provided to our citizens and contributes to the economic and cultural development of our community; and

WHEREAS, the City-County Council recognizes the Library's need to upgrade its service components and facilities in order to sustain and to improve the services offered to the citizens in our community; and

WHEREAS, the City-County Council hereby endorses the concept as expressed in the Library's Capital Projects Fund Plan for 2008-2010 as adopted by the Indianapolis-Marion County Public Library Board of Trustees; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Library Capital Projects Fund Plan adopted by the Indianapolis-Marion County Public Library Board of Trustees on April 19, 2007 is hereby approved.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 52, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 52, 2007 on May 16, 2007. The proposal, sponsored by Councillor Nytes, reappoints Bruce Melchert to the City Market Corporation Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Nytes moved, seconded by Councillor Brown, to strike. Proposal No. 52, 2007 was stricken by a unanimous voice vote:

PROPOSAL NO. 106, 2007. Councillor Brown reported that the Parks and Recreation Committee heard Proposal No. 106, 2007 on May 3, 2007. The proposal, sponsored by Councillors Brown, Conley and Gray, appoints Debbie Grew to the Indianapolis Greenways Development Committee, as a representative of the Eagle Creek area. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

*May 21, 2007*

Councillor Brown moved, seconded by Councillor Conley, for adoption. Proposal No. 106, 2007 was adopted by a unanimous voice vote.

Proposal No. 106, 2007 was retitled COUNCIL RESOLUTION NO. 59, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 2007

A COUNCIL RESOLUTION reappointing Debbie Grew to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council reappoints:

Debbie Grew

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009 or until a successor is appointed and qualifies.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 185, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 185, 2007 on May 16, 2007. The proposal, sponsored by Councillors Abdullah and Conley, appoints Eric Essley to the Speedway Economic Development Commission. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked how the Council has the authority to appoint a member of this commission when Speedway is an excluded city. Councillor Nytes stated that it was simply the statutory way the commission was set up.

Councillor Nytes moved, seconded by Councillor Abdullah, for adoption. Proposal No. 185, 2007 was adopted by a unanimous voice vote.

Proposal No. 185, 2007 was retitled COUNCIL RESOLUTION NO. 60, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 2007

A COUNCIL RESOLUTION appointing Eric Essley to the Speedway Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Speedway Economic Development Commission, the Council appoints:

Eric Essley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007 and until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 196, 2007. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 196, 2007 on May 1, 2007. The proposal, sponsored by Councillors Gray, Brown, Conley and Sanders, appoints Lettie Oliver to the Council's County Salary Recommendation Panel. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Conley, for adoption. Proposal No. 196, 2007 was adopted by a unanimous voice vote.

Proposal No. 196, 2007 was retitled COUNCIL RESOLUTION NO. 61, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 2007

A COUNCIL RESOLUTION appointing Lettie Oliver to the Council's County Salary Recommendation Panel.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Council's County Salary Recommendation Panel, the Council appoints:

Lettie Oliver

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 229, 2007. Introduced by Councillors Gray, Conley and Brown. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Steven Fenton to the City-County Internal Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 230, 2007. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$123,019 from the 2007 Budget of the Lawrence Township Assessor (County General and Property Reassessment Funds) to the 2007 Budget of the Washington Township Assessor to pay for maintenance and licensing fees and services provided to the Marion County Township Assessors"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 231, 2007. Introduced by Councillors Gray, Sanders, Nytes, Borst and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation warrants and pledges and appropriates taxes levied in the year 2006 and collectible in the year 2007 to the payment of such warrants"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 232, 2007. Introduced by Councillors Nytes and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,348,908 in the 2007 Budget of the Information Services Agency (Information Services Internal Services Fund) to make the first of three annual payments for the financing of an upgrade to the Accela Automation system, a computer program used for planning, permitting, code enforcement, GIS



and other citizen services, financed by a transfer of cash from the balance of the permits subfund of the Consolidated County Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 233, 2007. Introduced by Councillors Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$40,100 in the 2007 Budget of the Department of Metropolitan Development (Consolidated County Fund) for equipment and services associated with the installation of emergency lights and laptop docking stations for new vehicles"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 234, 2007. Introduced by Councillors Brown, Mahern, Cockrum, Nytes, Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$45,000 in the 2007 Budget of the Department of Parks and Recreation (Parks General Fund) to support the Stay in Bounds Character Discovery Challenge Program which seeks to instill positive character traits such as respect and integrity in youth participants, funded by a grant from the NCAA"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 235, 2007. Introduced by Councillors Brown, Cockrum, Mahern, Conley, Gray and Gibson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1,543,500 for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 236, 2007. Introduced by Councillors Moriarty Adams, Conley and Gibson. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 3,600 square feet of space at 863 Massachusetts Avenue for use by the Citizen's Police Complaint Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 237, 2007. Introduced by Councillors Moriarty Adams, McWhirter, Brown, Conley, Gray and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$605,629 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants and Non-Lapsing Federal Grants Funds) to pay for laptops and software licenses that will connect to the National Bomb Data Center and for federal and state overtime initiatives and programs including Safe Driver, Indy Nite Lite, Highway Traffic Safety, and Department of Justice and ATF Task Forces"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 238, 2007. Introduced by Councillors Brown, Conley and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$522,240 in the 2007 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new radio equipment, which includes portable and mobile radios, as well as mobile data terminals, funded by a federal Assistance to Firefighter Grant originally awarded to the Washington Township Fire Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 239, 2007. Introduced by Councillors Moriarty Adams, McWhirter, Brown, Conley and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$3,300,698 in the 2007 Budget of the Department of Public Safety, Emergency Management Planning Division (Federal Grants and Non-Lapsing Federal

Grants Funds) for various Urban Area Security Initiatives (UASI), including establishment of a regional Emergency Operations Center (EOC) and a regional Terrorism Early Warning Center (TEW); for training and exercise; for a health and medical, interactive information notification and referral communications system; for a credential and identification system, and to fund three full-time positions to manage the programs, funded by federal grants approved and administered by the Indiana Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 240, 2007. Introduced by Councillors Moriarty Adams, Brown and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$53,000 in the 2007 Budget of the Marion County Justice Agency (County General Fund) to fund a contract with IUPUI to extract and analyze data for the Juvenile Detention Alternatives Initiative (JDAI) and corrects an error in the number of full-time equivalent (FTE) positions in the 2007 Budget ordinance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 241, 2007. Introduced by Councillors Moriarty Adams, Brown and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$178,000 in the 2007 Budget of the Marion County Community Corrections Agency (State and Federal Grants Fund) to purchase a passenger van and kitchen equipment for the new Duvall Residential Work Release Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 242, 2007. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$100,000 in the 2007 Budget of the Marion Superior Court (County General Fund) from Character 03 to Character 02 to cover expenses for paper, which were previously included in the contract with Xerox"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 243, 2007. Introduced by Councillors Gray, Conley and Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 281 of the Code, Sec. 281-323, County Officials, Boards and Commissions, Division II, Court Services to provide for payment of parking fees incurred by jurors in lieu of mileage expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 244, 2007. Introduced by Councillors Moriarty Adams, Borst and Brown. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes a transfer of \$1,278 in the 2007 Budget of the Marion Superior Court (State and Federal Grants Fund) for the purchase of a laptop computer for the Community Court, the purchase of which was approved in initial funding, but not appropriated properly"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 245, 2007. Introduced by Councillors Moriarty Adams, Borst and Brown. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$45,839 in the 2007 Budget of the Marion Superior Court (State and Federal Grants Fund) for the Restorative Justice Conferencing Program, financed by a Title II grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 246, 2007. Introduced by Councillors Moriarty Adams, Borst, Brown, Conley and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$17,944 in the 2007 Budget of the Marion Superior Court (State and Federal Grants Fund) from Character 01 to Character 03 for the Indiana Criminal Justice Institute Juvenile Accountability Block Grant Award for the Indy Nite Lite Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 247, 2007. Introduced by Councillors Moriarty Adams, Borst, Brown, Conley, Gibson and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$328,248 in the 2007 Budget of the Marion Superior Court (State and Federal Grants Fund) to fund salaries and contractual services for the Drug Treatment Court, salaries and fringe benefits for the Community Court, and contractual services for the Reception, Assessment and Intervention Center, financed by grants from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 248, 2007. Introduced by Councillors Moriarty Adams, Brown and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and appropriation of \$821,114 in the 2007 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to pay salaries and fringes for staff in the Community Prosecution Division, Adult Protective Services Unit, and the Juvenile Division and to fund various traffic safety initiatives to be implemented by IMPD, including DUI and seatbelt enforcement and the Fatal Alcohol Crash Team (FACT)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 249, 2007. Introduced by Councillors Moriarty Adams, Gray, Conley and Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which updates, clarifies and formally codifies the Community Corrections Advisory Board for Marion County, created by Proposal No. 433, 1981 (Special Resolution No. 103, 1981)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 250, 2007. Introduced by Councillors Conley, Franklin and Bateman. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the City of Lawrence for the construction of sewer and bridge improvements"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 251, 2007. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to clarify the qualifications of members of the air pollution control board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 252, 2007. Introduced by Councillors Keller, Abdullah and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$40,000 in the 2007 Budget of the Department of Public Works (Non-Lapsing Federal Grants Fund) to fund acquisition of bicycle racks and bike ports to be installed at the City Market, White River Park and the National Institute of Fitness and Sport on the IUPUI campus, financed by federal transportation enhancement funds granted from the Indiana Department of Transportation"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 253, 2007. Introduced by Councillors Abdullallah and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking meters and parking restrictions on Vermont Street and on Toledo Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 254, 2007. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Rodney Reynolds to the Common Construction Wage Committee for Decatur Township "; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 255, 2007. Introduced by Councillors Gibson and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "Honor Charter Academy," by issuing a charter to Honor Charter Academy, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 256, 2007. Introduced by Councillors Borst, Cockrum, Cain, Day, Langsford, Keller, McWhirter, Plowman, Vaughn, Pfisterer and Brown. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which urges the mayor to create a bipartisan committee to re-precinct Marion County, urges the Marion County Clerk to develop a plan for the 2007 general elections, and urges the Marion County Election Board to consult with the Indiana Secretary of State and Wayne County election officials to investigate future use of vote centers for Marion County"; and the President referred it to the Investigative Election Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 227, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 227, 2007 on May 16, 2007. The proposal, sponsored by Councillors Nytes and Conley, is a final refunding resolution for MMA Housing I, LLC (Borrower) in an amount not to exceed \$19,118,000 to finance a portion of the cost of bond redemption for the project at Lake Piedmont Apartments, a 648-unit multi-family affordable rental housing community located at 2800 East Hanna Avenue (District 20). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Conley, for adoption. Proposal No. 227, 2007 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullallah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*

*0 NAYS:*

*1 ABSENT: Cockrum*

Proposal No. 227, 2007 was retitled SPECIAL ORDINANCE NO. 2, 2007, and reads as follows:

#### **CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2007**

AN ORDINANCE of the City-County Council of the City of Indianapolis, Indiana authorizing the issuance of Economic Development Revenue Refunding Bonds by the City of Indianapolis, Indiana, in an aggregate principal amount not to exceed \$19,118,000, the proceeds of which shall be loaned to MMA Housing I, Inc., or its assigns to finance the redemption of outstanding debt obligations of certain economic development facilities located within the City of Indianapolis, Indiana, and approving and authorizing other actions in respect thereto.

WHEREAS, at a meeting open to the public held on May 16, 2007, the Indianapolis Economic Development Commission (the "Commission") of the City of Indianapolis, Indiana (the "Issuer") adopted

its Resolution which approved the issuance of economic development revenue refunding bonds by the Issuer and the loan of the proceeds thereof to the Borrower (as hereinafter defined) to finance a portion of the costs of the redemption of certain outstanding debt obligations of certain economic development facilities consisting of a 648-unit multi-family affordable rental housing community (the "Project") to be undertaken by MMA Housing I, Inc., or its assigns (the "Borrower"), pursuant to the provisions of Indiana Code 36-7-11.9 and -12, as amended (collectively, the "Act"); and

WHEREAS, the Borrower desires to restructure existing debt at the Project to cure an existing default and permit the property to retain financial viable; and

WHEREAS, pursuant to and in accordance with the provisions of the constitution and the laws of the State of Indiana, and particularly the Act, the Issuer is now prepared to issue and sell one or more series of its Economic Development Multifamily Housing Revenue Refunding Bonds, Series 2007 (Lake Piedmont Apartments Project) (the "Bonds"), in an aggregate principal amount not to exceed \$19,118,000 to obtain funds to finance a portion of the cost of bond redemption for the Project, by making a loan to the Borrower, all under and in accordance with the Constitution and the laws of the State of Indiana.

WHEREAS, the Bonds will be purchased by MUNIMAE TE Bond Subsidiary, LLC (the "Lender") in a private direct sale; and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of a Loan and Financing Agreement, between the Issuer and the Borrower (the "Loan Agreement"); and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of a Trust Indenture and, by and among the Issuer, Wells Fargo Bank Indiana, N.A., as Trustee (the "Trust Indenture"); and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of one or more, Mortgage, Security Agreement and Assignment of Rents and Leases between the Borrower and the Issuer (the "Mortgage Agreement"); and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of one or more Assignments of Mortgage between the Issuer and the Borrower (the "Mortgage Assignment"); and

WHEREAS, the Issuer has caused to be prepared and presented (collectively, the "Financing Documents") forms of the following documents which the Issuer proposes to approve the terms of or enter into:

1. the Loan Agreement;
2. the Trust Indenture;
3. the Mortgage Agreement;
4. the Mortgage Assignment; and
5. the Bonds.

WHEREAS, the Issuer is a municipal corporation and political subdivision of the State of Indiana (the "State"), and by virtue of the constitution and laws of the State, including the Act, is authorized and empowered, among other things, to (a) provide funds for the Project; (b) issue its revenue Bonds for the purpose set forth herein; (c) secure such revenue bonds by a pledge and assignment of revenues and other documents as provided for herein; and (d) adopt this Bond Ordinance, execute the Financing Documents and all other documents to be executed by it in connection with the issuance of the Bonds, upon the terms and conditions provided therein; and

WHEREAS, the City-County Council (the "Council") has found and determined, and does hereby confirm, that the Project will be to the benefit of the health and general welfare of the citizens of the Issuer, and that the Issuer, by assisting with the refinancing of the Project through the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$19,118,000, will be acting in a manner consistent with and in furtherance of the provisions of the Act; and

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-6; and

WHEREAS, the Borrower will own the real property, improvements located thereon and the equipment constituting the Project, and the Borrower will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the financing approved by the Commission for the Project will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to finance the costs of or related to the acquisition, construction, rehabilitation, installation and equipping of the Project, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate principal amount not to exceed \$19,118,000; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF  
THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

**SECTION 1. Definitions.** In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Financing Documents unless the context or use indicates another or different meaning or intent, which forms are before this meeting, are hereby incorporated by reference in this Bond Ordinance, and the Clerk of the Issuer (the "Clerk") is hereby directed to insert them into the minutes of the Issuer and to keep them on file as specified in Section 13 hereof.

Any reference herein to the Issuer, or to any officers thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "hereunder," and similar terms, mean this Bond Ordinance.

**SECTION 2. Authorization of the Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, revenue refunding bonds in one or more series in the maximum aggregate principal amount not to exceed \$19,118,000 and shall be designated as "\$14,720,000 City of Indianapolis, Indiana, Economic Development Multifamily Housing Revenue Refunding Bonds (Lake Piedmont Apartments Project) Series 2007A" and \$4,398,000 City of Indianapolis, Indiana Economic Development Multifamily Housing Revenue Refunding Bonds (Lake Piedmont Apartments Project) Subordinate Series 2007B (the "Bonds"), including such further appropriate particular designation or designations added to or incorporated into such title for the Bonds as the Issuer may determine. The proceeds of the Bonds will be purchased by the Lender and the proceeds thereof shall be used to make a loan to the Borrower to pay the cost of refinancing the Project, which Project will be used as an economic development facility within the meaning of the Act.

**SECTION 3. Terms and Execution of the Bonds.** The Bonds shall be issued as fully registered bonds, without coupons, in the denominations set forth in the Bonds, numbered consecutively as set forth in the Bonds, and shall be payable at the office of the Lender and mature as provided in the Bond. The Bonds shall have such terms, bear such interest rates (at a fixed rate not to exceed twelve percent (12%) or a variable rate to be determined as set forth in the Bond, and be subject to mandatory and optional redemption or tender as provided therein. The Bonds shall be executed and attested on behalf of the Issuer by the manual or facsimile signatures of the Mayor of the Issuer (the "Mayor"), and the Clerk, respectively, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

The substantially final form of the Bonds approved by the Commission and submitted to this meeting, subject to appropriate insertions and revisions in order to comply with the provisions of the Trust Indenture, is hereby ratified, and when the same shall be executed on behalf of the Issuer by the appropriate officers thereof in the manner contemplated by the Financing Documents in an aggregate principal amount not to exceed \$19,118,000 shall represent the approved form of Bonds of the Issuer.

The Bonds are special, limited obligations of the Issuer payable solely from payments of principal of, premium, if any, and interest on the Bonds by the Borrower under the Loan Agreement, except to the extent that the principal of, premium, if any, and interest on the Bonds may be paid out of money attributable to Bond proceeds or from temporary investments thereof.

SECTION 4. Sale of the Bonds. The Issuer will sell the Bonds pursuant to the terms of the Trust Indenture and the Lender's Investor Letter, at the purchase prices set forth therein, and on the terms and conditions described therein.

SECTION 5. Arbitrage Provisions. Subject to the obligations of the Borrower set forth in the Loan Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 6. Financing Documents and all other Documents to be Executed or Accepted by the Issuer. In order to better secure the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable, the Mayor and the Clerk are authorized and directed to execute, acknowledge and deliver, in the name and on behalf of the Issuer, the Financing Documents, and all other material instruments, agreements, closing papers, certificates, assignments or other documents, including, but not limited to, any such agreements or documents necessary or appropriate for arranging for credit enhancement or securing interest rate protection for the Bonds or investing proceeds of the Bonds, to be executed or accepted by it in substantially the forms submitted to the Issuer or its counsel and not inconsistent with the foregoing documents, with such changes therein not inconsistent with this Bond Ordinance and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer without further approval of the Council or of the Commission if such changes do not affect terms set forth in Indiana Code 36-7-12-27(a)(1) through (a)(10). The approval of such changes by such officers, to the extent such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution or acceptance of receipt of any of the foregoing documents by such officers.

SECTION 7. Covenants of the Issuer. In addition to other covenants of the Issuer in this Bond Ordinance, the Issuer further covenants and agrees as follows:

(a) Payment of Principal, Premium and Interest. The Issuer will pay, solely from the sources herein provided, or cause to be paid the principal of, premium, if any, and interest on each and all Bonds on the dates, at the places and in the manner provided herein and in the Bonds, and in all other documents referred to herein.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Financing Documents executed and delivered, or received, under this Bond Ordinance, and in all other proceedings of the Issuer pertaining to the Financing Documents. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, including particularly and without limitation, the Act, to issue the Bonds and to execute the Financing Documents and all other documents to be executed or received by it, to provide the security for payment of the principal of, premium, if any, and interest on the Bonds in the manner and to the extent herein set forth; that all actions on its part for the issuance of the Bonds and execution or acceptance and delivery of the Financing Documents and all other documents to be executed or accepted by it have been or will be duly and effectively taken; and that the Bonds will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each provision of this Bond Ordinance, the Financing Documents and all other documents to be executed by the Issuer is binding upon such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the Issuer and of its officers and employees undertaken pursuant to such proceedings for the Bonds and all other documents to be executed by the Issuer is established as a duty of the Issuer and of each such officer and employee having authority to perform such duty.

SECTION 8. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Bond Ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of the Bonds secured thereby, or otherwise, of any

sum that may be due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 9. Indemnification. The Borrower will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 10. No Debt or Tax Pledge. Pursuant to Indiana Code 36-7-12-25(b), the Bonds shall not constitute a general obligation debt or pledge of the faith and credit of the Issuer, the State or any political subdivision thereof, and the holders, or owners thereof shall have no right to have taxes levied by the Issuer, the State or of any political subdivision, for the payment of the principal thereof or interest thereon. Moneys raised by taxation shall not be obligated or pledged for the payment of principal or interest on the Bonds, and the Bonds shall be payable solely from the revenues and security interests pledged for their payment as authorized by the Trust Indenture and the Lender. The Bonds shall not be taken into account in determining whether obligations issued by or on behalf of the Issuer and subordinate entities thereof during the calendar year 2006 may be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

SECTION 11. Severability. If any section, paragraph or provision of this Bond Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Bond Ordinance.

SECTION 12. Repeal of Conflicting Ordinances, Resolutions and Orders. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Bond Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 13. Public Inspection. Two copies of each of the Financing Documents are on file in the office of the Clerk for public inspection pursuant to Indiana Code 36-1-5-4.

SECTION 14. Compliance with Open Door Law. It is hereby determined that all formal actions of the Council relating to the adoption of this Bond Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 15. Additional Actions. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Bond Ordinance.

SECTION 16. Effective Date. This Bond Ordinance shall be in full force and effect upon compliance with Indiana Code 36-3-4 et seq.

PROPOSAL NO. 228, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 228, 2007 on May 16, 2007. The proposal, sponsored by Councillors Nytes and Conley, is an inducement resolution for 1 Real Estate Management, Inc. in an amount not to exceed \$9,000,000, for the construction, installation and equipping of a 180-unit multi-family apartment community located at 2005 Bridgeport Road to be known as Bridgeport Commons Apartments (District 13). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.



Councillor Lutz said that this project is in his district. While his predecessor on the Council supported the project, he has concerns about the scope of the project and its effect on the area schools. He said that many of his constituents oppose the project, and there is some concern that it may turn out to be larger than 180 units. He moved, seconded by Councillor McWhirter, to return Proposal No. 228, 2007 to Committee for further discussion.

Councillor Nytes said that there is a strict timetable for the awarding of volume cap from the state and if the proposal is sent back to Committee, the developers cannot meet that deadline. This would cause a significant financial hardship for the developers.

Councillor McWhirter said that there is a lot of low-income housing in this area, and she has concerns about using this type of funding for a new project, when there are a lot of apartment properties that are in desperate need of rehabilitation. She said that there are also a lot of vacant homes in this area, and she opposes the project and feels there is not a strong need for this type of housing at this time.

Councillor Franklin asked if there is no way the developers can meet their deadlines if the proposal is returned to committee. Councillor Nytes said that this is correct, and they would miss out on the current cycle and the project would be pushed back to apply for next year's cycle.

The motion to return Proposal No. 228, 2007 to Committee failed due to the following indecisive roll call vote; viz:

*14 YEAS: Borst, Cain, Day, Keller, Langsford, Lutz, Mahern, McWhirter, Pfisterer, Plowman, Randolph, Schneider, Speedy, Vaughn*  
*14 NAYS: Abdullallah, Bateman, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mansfield, Moriarty Adams, Nytes, Oliver, Pryor, Sanders*  
*1 ABSENT: Cockrum*

Councillor Nytes moved, seconded by Councillor Gibson, for adoption.

Councillor Schneider said that he agrees with Councillor McWhirter and he served on the Metropolitan Development Committee for years and feels these inducement financing options should be used for redevelopment, not new construction.

Councillor Nytes said that many of these economic development projects have been new construction, and while there are some vacant homes in the area where this development is proposed, many of the residents do not have incomes that put them in a position for home ownership or higher rents at this time.

Councillor Speedy said that to avoid the appearance of a conflict of interest, he will need to abstain from voting on this proposal.

Councillor Lutz said that there are many other low income apartment complexes in this area and he opposes the project.

Proposal No. 228, 2007 was adopted on the following roll call vote; viz:

*15 YEAS: Abdullah, Bateman, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pryor, Sanders*

*12 NAYS: Borst, Cain, Day, Keller, Langsford, Lutz, McWhirter, Pfisterer, Plowman, Randolph, Schneider, Vaughn*

*1 NOT VOTING: Speedy*

*1 ABSENT: Cockrum*

Proposal No. 228, 2007 was retitled SPECIAL RESOLUTION NO. 33, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 2007

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, 1 Real Estate Management, Inc., or its assigns (the "Applicant") has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the construction of a new 180-unit multi-family apartment community to be know as Bridgeport Commons Apartments located at 2005 Bridgeport Road, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and construction of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer; is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that the Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$9,000,000 under the Act to be privately placed or publicly offered if permitted by current policy of the Commission for the acquisition and construction of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and construction of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and construction of the Project, the commission requests the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may

deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that the proposed inducement resolution expires on December 31, 2007, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of the inducement resolution; and (ii) it will adopt such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that at the time of the proposed issuance of such bonds (a) the inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during the calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurance that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bond and have received inducement resolutions; and (3) no portion of such private activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorized the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act .

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of the special resolution to be adopted by the City-County Council of the Issuer, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant of loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Commission recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under the State's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 261, 2007, PROPOSAL NO. 262, 2007, AND PROPOSAL NO. 263, 2007. Introduced by Councillor Mahern. Proposal No. 261, 2007, Proposal No. 262, 2007 and Proposal No. 263, 2007 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 11, 2007. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 47-49, 2007, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 47, 2007.

2006-ZON-150

4200 AND 4207 SUPERIOR ROAD (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #22

SEACORP, by Theodore L. Giesking, requests rezoning of 7.029 acres, from the D-4 (FW)(FF) District, to the SU-1 (FW)(FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 48, 2007.

2006-ZON-018

5427 AND 5435 EAST WASHINGTON STREET (Approximate Address) INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 19

NDZA, INC. on behalf of the City of Indianapolis Board of School Commissioners, requests rezoning of 3.4 acres from the C-4 and D-5 District to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 49, 2007.

2006-ZON-866

2435 AND 2541 KENTUCKY AVENUE (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19

KENTUCKY AVENUE LAND COMPANY, by Mary E. Solada, requests rezoning of 81.79 acres, from the I-4-U (FF) and C-7 Districts, to the SU-13 classification to provide for the expansion of a sanitary landfill.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 186, 2007. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 186, 2007 on May 14, 2007. The proposal, sponsored by Councillors Nytes, Conley, Gray and Gibson, approves an increase of \$25,000 in the 2007 Budget of the Office of Finance and Management (Landmark Building Preservation Fund) to pay for re-roof repairs of the historic Indiana Theater. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 7:57 p.m. There being no one present to testify, Councillor Mahern moved, seconded by Councillor Gibson, for adoption. Proposal No. 186, 2007 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullallah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*

*0 NAYS:*

*1 ABSENT: Cockrum*

Proposal No. 186, 2007 was retitled FISCAL ORDINANCE NO. 41, 2007, and reads as follows:

#### **CITY-COUNTY FISCAL ORDINANCE NO. 41, 2007**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Twenty Five Thousand Dollars (\$25,000) in the Landmark Building Preservation Fund for the purposes of the Office of Finance and Management.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (f) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Office of Finance and Management to repair the roof of the historic Indiana Theater Building, financed by fund balance.

May 21, 2007

SECTION 2. The sum of Twenty Five Thousand Dollars (\$25,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF FINANCE AND MANAGEMENT</u>	<u>LANDMARK BUILDING PRESERVATION FUND</u>
4. Capital Outlay	<u>25,000</u>
TOTAL INCREASE	25,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>LANDMARK BUILDING PRESERVATION FUND</u>
Unappropriated and Unencumbered	
Landmark Building Preservation Fund	<u>25,000</u>
TOTAL DECREASE	25,000

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2006 ending fund balance for the City Cumulative Capital Fund (on a budgetary basis) is estimated to be \$30,000.

After deducting the appropriation included in this and other pending proposals, the 2007 ending fund balance for the City Cumulative Capital Fund is estimated to be \$5,000.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 193 and 211, 2007 on May 2, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 193, 2007. The proposal, sponsored by Councillors Franklin, Oliver and Randolph, approves an increase of \$17,550 in the 2007 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund), to purchase dog beds and mobile cat cages for the animal shelter and pay for bus and billboard advertising for a public awareness campaign, financed by private donations and a transfer between characters. PROPOSAL NO. 211, 2007. The proposal, sponsored by Councillors Moriarty Adams, Brown, Conley and Langsford, approves an increase of \$429,033 in the 2007 Budget of the Marion County Prosecutor (User Fee Diversion, Deferral Program Fee and County General Funds) to pay for staff salaries and benefits for certain employees in the Community Prosecution Division, to fund 2007 pay increases for grant-funded positions, and to purchase vehicles for the Adult Protective Services Unit, funded by fund balance, a bequest and a transfer between funds. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 8:01 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 193 and 211, 2007 were adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*  
0 NAYS:  
1 ABSENT: *Cockrum*

Proposal No. 193, 2007 was retitled FISCAL ORDINANCE NO. 42, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 86, 2006) appropriating an additional Twenty Five Thousand Seven Hundred Fifty Dollars (\$25,750) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division, to purchase dog beds and mobile cat cages for the animal shelter, and to pay for bus and billboard advertising and other promotional materials for a public awareness campaign, financed by private donations and a transfer between characters.

SECTION 2. The sum of Seventeen Thousand Five Hundred Fifty Dollars (\$17,550) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	10,000
3. Other Services and Charges	7,550
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	17,550

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	1,800
5. Internal Charges	<u>0</u>
TOTAL DECREASE	1,800

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>15,750</u>
TOTAL REDUCTION	15,750

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2006 ending fund balance for the Consolidated General Fund, as depicted in the 2007 budget ordinance (FO 89, 2006 page 42) was estimated to be \$10.195 million. Taking into consideration this fiscal proposal and other pending proposals, the fund balance is projected to be \$13.627 million.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 211, 2007 was retitled FISCAL ORDINANCE NO. 43, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating a total of Four Hundred Twenty Nine Thousand Thirty-three Dollars (\$429,033) in the User Fee Diversion, Deferral Program Fee and County General Funds for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in those funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (c) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to pay for staff salaries and benefits for certain employees in the Community Prosecution Division, and to purchase vehicles for the Adult Protective Services Unit, funded by fund balance, a bequest, and a transfer between funds.

SECTION 2. The sum of Four Hundred Twenty Nine Thousand Thirty-three Dollars (\$429,033) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>DEFERRAL PROGRAM FEE FUND</u>
1. Personal Services	390,468
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>10,000</u>
TOTAL INCREASE	400,468

<u>MARION COUNTY PROSECUTOR</u>	<u>USER FEE DIVERSION FUND</u>
1. Personal Services	18,565
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	18,565

<u>MARION COUNTY PROSECUTOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>10,000</u>
TOTAL INCREASE	10,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	86,728
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	86,728

	<u>DEFERRAL PROGRAM FEE FUND</u>
Unappropriated and Unencumbered Deferral Program Fee Fund	<u>400,468</u>
TOTAL REDUCTION	400,468

	<u>USER FEE DIVERSION FUND</u>
Unappropriated and Unencumbered User Fee Diversion Fund	<u>18,565</u>
TOTAL REDUCTION	18,565

SECTION 5. The unappropriated and unencumbered fund balance of the County General Fund is hereby increased by \$76,728 as a result of this proposal.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 208, 2007. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 208, 2007 on May 14, 2007. The proposal, sponsored by Councillors Mahern, Nytes, Keller, Gray, Conley, Gibson, Langsford and Randolph, approves an appropriation of \$1,220,000 in the 2007 Budget of the Department of Metropolitan Development (Federal Grants and Redevelopment General Funds) to provide funding for rental development projects for low income families and for support of Indianapolis emergency homeless shelters and to pay for demolition of the abandoned BOSMA building at 526 West 30th Street, financed by federal funds and funds in the United North West Area (UNWA) TIF account within the Redevelopment General Fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked what the UNWA TIF was created for. Margaret Lawrence-Banning, Department of Metropolitan Development (DMD), stated that the tax increment financing (TIF) district was created for the redevelopment of an area bounded by I-65, 16<sup>th</sup> Street, White River and 38<sup>th</sup> Street in the late 1990s. A TIF collects incremental property taxes to help with the redevelopment of a particular area in need. Councillor McWhirter asked how these monies can be used for demolition. Ms. Banning said that the monies can be used for general redevelopment, and this property has been a significant blight in the area for years. There have been significant attempts to re-use the property but it has proven to be too costly to rehabilitate. Councillor McWhirter asked why the buyer of the property is not responsible for the demolition of the building. Ms. Banning said that it is a church that has purchased the property and the demolition is costly.

President Gray called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Mahern moved, seconded by Councillor ?, for adoption. Proposal No. 208, 2007 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Speedy*  
*4 NAYS: Cain, Lutz, Schneider, Vaughn*  
*1 ABSENT: Cockrum*

Proposal No. 208, 2007 was retitled FISCAL ORDINANCE NO. 44, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating One Million Two Hundred Twenty Thousand Dollars (\$1,220,000) in the Federal Grants Fund (\$1,120,000) and Redevelopment General Fund (\$100,000) for purposes of the Department of Metropolitan Development.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, to provide funding for rental development projects for low income families and for support of Indianapolis emergency homeless shelters, financed by federal funds, and to pay for demolition of the abandoned



BOSMA building at 526 West 30<sup>th</sup> Street, financed by funds in the United North West Area (UNWA) TIF account, which is included in the Redevelopment General fund balance.

SECTION 2. The sum of One Million Two Hundred Twenty Thousand Dollars (\$1,220,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	1,120,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	1,120,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	100,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	100,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>1,120,000</u>
TOTAL REDUCTION	1,120,000

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment General Fund	<u>100,000</u>
TOTAL REDUCTION	100,000

SECTION 5. No matching funds are required for the grants included in this proposal.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Mahern reported that the Metropolitan Development Committee heard Proposal Nos. 209 and 210, 2007 on May 14, 2007. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 209, 2007. The proposal, sponsored by Councillors Mahern, Nytes, Keller, Gray, Conley, Gibson, Langsford and Randolph, approves an appropriation of \$880,000 in the 2007 Budget of the Department of Metropolitan Development (Consolidated County Fund) to allocate funds from the Housing Trust Fund to provide financial assistance for low income individuals and families. PROPOSAL NO. 210, 2007. The proposal, sponsored by Councillors Mahern, Nytes, Keller, Gray, Conley, Gibson and Langsford, approves an appropriation of \$405,000 in the 2007 Budget of the Department of Metropolitan Development (Federal Grants Fund) to make necessary capital repairs to the historic Indiana Theater building, funded by program income generated in prior years by federal Urban Development Action Grants (UDAG).

By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Mahern moved, seconded by Councillor Sanders, for adoption.

Councillor Schneider asked that the proposals be voted on separately. Consent was given. Proposal No. 209, 2007 was adopted on the following roll call vote; viz:

*25 YEAS: Abdullah, Bateman, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Speedy*

*2 NAYS: Schneider, Vaughn*

*1 NOT VOTING: Borst*

*1 ABSENT: Cockrum*

Proposal No. 209, 2007 was retitled FISCAL ORDINANCE NO. 45, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Eight Hundred Eighty Thousand Dollars (\$880,000) in the Consolidated County Fund for purposes of the Department of Metropolitan Development and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, to allocate funds from the Housing Trust Fund to provide financial assistance for low income individuals and families to purchase or lease residential units, to provide technical assistance to non-profit developers of affordable housing, to make grants, loans and loan guarantees for the development, rehabilitation or financing of affordable housing for low income individuals and families, including the elderly, persons with disabilities and the homeless, and to cover costs of administration, financed by fund balance.

SECTION 2. The sum of Eight Hundred Eighty Thousand Dollars (\$880,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	880,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	880,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	880,000
TOTAL REDUCTION	880,000

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2006 fund balance for the Consolidated County fund, as depicted in the 2007 Budget Ordinance (FO 89, 2006 page 41.) was estimated at approximately \$10.2 million. After deducting the appropriation

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included in this and other pending proposals, the 2007 ending fund balance for the Consolidated County Fund is estimated to be \$12.7 million.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 210, 2007 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Bateman, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*  
0 NAYS:  
2 NOT VOTING: *Borst, Boyd*  
1 ABSENT: *Cockrum*

Proposal No. 210, 2007 was retitled FISCAL ORDINANCE NO. 46, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Four Hundred Five Thousand Dollars (\$405,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, to make necessary capital repairs to the historic Indiana Repertory Theater building, funded by program income generated in prior years by federal Urban Development Action Grants (UDAG).

SECTION 2. The sum of Four Hundred Five Thousand Dollars (\$405,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	405,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	405,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>405,000</u>
TOTAL REDUCTION	405,000

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 206, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 206, 2007 on May 15, 2007. The proposal, sponsored by Councillors Sanders, Vaughn, Brown, Conley, Gray, Gibson and Langsford, amends the Code for the purpose of creating a Mayor's Youth Council. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved,

seconded by Councillor Nytes, for adoption. Proposal No. 206, 2007 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullallah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*

*0 NAYS:*

*1 ABSENT: Cockrum*

Proposal No. 206, 2007 was retitled GENERAL ORDINANCE NO. 25, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to create the Mayor's Youth Council.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County" hereby is amended by the addition of Chapter 203.

**Chapter 203. MAYOR'S YOUTH COUNCIL.**

**Sec. 203-101. Mayor's Youth Council created; members.**

(a) There is hereby created a Mayor's Youth Council.

(b) The members of the Mayor's Youth Council shall be high school students appointed by the Mayor or the Mayor's designee for a term of one (1) year. The members will serve at the pleasure of the Mayor and will be eligible for reappointment.

**Sec. 203-102. Mission.**

It shall be the mission of the Mayor's Youth Council to serve the community, make recommendations to the Mayor, from time to time, and discuss with the Mayor important issues affecting youth in the city.

**Sec. 203-103. Meetings.**

The Mayor's Youth Council shall establish a meeting schedule.

**Sec. 203-104. Resources.**

As reasonably determined by the Mayor, the Mayor's Office shall provide advisory staff, staff functions, supplies, and meeting places for the Mayor's Youth Council.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 207, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 207, 2007 on May 16, 2007. The proposal, sponsored by Councillors Gray, Conley, Borst, Boyd, Cain, Gibson, Keller, Mahern, Nytes, Pfisterer, Speedy and Langsford, approves the Metropolitan Development Commission's determination of the West Washington Street Economic Development Area and the issuance of special taxing district bonds, notes or other obligations and other related matters. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Abdullallah said that he has concerns about the principals in this development and serious civil rights allegations. He said that while the principals have given the Council a verbal commitment against discrimination, he would like it in writing. He said that the project will still get built without the City's help and he would like to see the proposal postponed until the commitment is in writing.

Councillor Pfisterer said that this project has such potential benefit, and the TIF stand on its own, and the City is not giving anything away. The return on this investment will be significant to more than pay for itself. She said that if the Council does not support, the project will probably proceed, but without any input on specifications from the City, which is needed on such a grand-scale project.

Councillor Schneider said that this project is the proper use of a TIF district and brings a lot more to the City than what is given up. He said that he still has some concerns about locking out non-Union labor, but will support the proposal, anyway.

Councillor Borst said that he has voted on big projects in this city for 28 years. He said that studies have been done with every project about the need for a 1,000-room hotel downtown. He said that this project is the capstone of all that the Council has done in the last 20 years to make downtown the place it should be. He said that this is a great use for a TIF, and the combination of White Lodge, REI Investments, and Marriott Hotels is impressive.

Councillor Lutz asked if the project will receive any property tax abatements. Councillor Nytes said that they will not, and it would be counter-productive to include such abatements with a TIF.

Councillor Olivier said that he believes the hotel will abide with the minority and women owned business (MBE/WBE) requirements.

Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 207, 2007 was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*  
*2 NAYS: Abdullallah, Franklin*  
*1 ABSENT: Cockrum*

Councillor Sanders asked for consent to explain her vote. Consent was given. She said that she struggled on this proposal, because the City still needs to look at providing wages to help citizens participate in their community, as well as public transportation needs.

Proposal No. 207, 2007 was retitled GENERAL RESOLUTION NO. 8, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 2007

A GENERAL RESOLUTION approving (i) the determination by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana ("Commission") that an area within the City of Indianapolis ("City") is an economic development area pursuant to Indiana Code 36-7-15.1-29; (ii) the issuance of special taxing district bonds, notes or other obligations of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), in one or more series or issues and (iii) other matters related thereto.

WHEREAS, on May 2, 2007 the Commission determined that an area in the City was an economic development area pursuant to the provisions of Indiana Code 36-7-15.1 and designated the area as the West Washington Street Economic Development Area (the "Area"); and

WHEREAS, IC 36-7-15.1-29 requires the City-County Council of the City of Indianapolis and of Marion County (the "Council") to approve the Commission's determination that the Area is an economic development area; and

WHEREAS, the Commission desires to finance the cost of constructing certain improvements in and serving the Allocation Area, including construction of infrastructure and other local public improvements (which include buildings, parking facilities and other items identified in Indiana Code 36-7-15.1-17) required in connection with the development of a convention center headquarters hotel, related amenities and other hotel facilities within the Area (the "Project"); and

WHEREAS, said development is consistent with the City's plan to expand and sustain for the next generation the hospitality, convention and tourism industry in Indianapolis and will generate jobs both during the construction and operation of the Project; and

WHEREAS, the new convention center headquarters hotel will support the expanded Indiana Convention Center and the Lucas Oil Stadium, both of which will enable the City to recapture, retain and recruit national and international sporting events, trade shows, exhibitions and conventions, all benefiting the economy of Indianapolis, Marion County and the State of Indiana; and

WHEREAS, on May 16, 2007, the Commission adopted a bond resolution (the "Bond Resolution") (i) authorizing the issuance of special taxing district bonds of the District in one or more series or issues, in an original aggregate principal amount not to exceed \$66,000,000.00 (the "Bonds") and (ii) approving other matters related thereto for the purpose of procuring funds to be applied to financing certain infrastructure and other local public improvements (which include buildings, parking facilities and other items identified in Indiana Code 36-7-15.1-17) required in connection with the development of the Project including expenses associated therewith and expenses in connection with or on account of the issuance of the Bonds, capitalized interest and a debt service reserve for the Bonds, to the extent that the Commission determines that a reserve is reasonably required (collectively, the "Project Costs"); and

WHEREAS, the Bonds are anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") pursuant to the provisions of Indiana Code 5-1.4 and the Bond Bank bonds issued to fund the purchase of the Bonds (the "Bond Bank Bonds") may be secured by one or more debt service reserve funds established by the Bond Bank that will be subject to Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the Council; and

WHEREAS, the Commission has requested the approval of the Council for the issuance of the Bonds pursuant to Indiana Code 36-3-5-8, and the Council now finds that the issuance of the Bonds should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council does hereby approve the Commission's determination that the Area is an economic development area pursuant to Indiana Code 36-7-15.1-29.

SECTION 2. The Council does hereby approve (i) the Bond Resolution; (ii) the issuance of the Bonds of the District, in one or more series or issues with a final maturity not later than [February 1, 2038,] and in an original aggregate principal amount not to exceed \$66,000,000.00, which amount does not exceed the estimated Project Costs, payable from one or more of the following sources, as determined by the

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Commission: (a) property taxes on incremental assessed valuation generated in the Allocation Area allocated and deposited into the Allocation Fund pursuant to Indiana Code 36-7-15.1-26, (b) a special tax levied upon all of the property in the District, as provided by Indiana Code 36-7-15.1-19 as a property tax backup to provide credit enhancement for the Bonds, or (c) other revenues available to the Commission or the City and (iii) other matters related thereto.

SECTION 3. The Council does hereby acknowledge that the Bond Bank Bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of this Council.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 212 and 213, 2007 on May 10, 2007. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 212, 2007. The proposal, sponsored by Councillors Abdullah and Conley, authorizes parking meters on 11th Street near Dr. Martin Luther King, Jr. Street (District 15). PROPOSAL NO. 213, 2007. The proposal, sponsored by Councillors Conley and Keller, authorizes a parking meter blackout on May 25, 2007 to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Keller, for adoption. Proposal Nos. 212 and 213, 2007 were adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*

*0 NAYS:*

*1 NOT VOTING: Gibson*

*1 ABSENT: Cockrum*

Proposal No. 212, 2007 was retitled GENERAL ORDINANCE NO. 26, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 2007

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

Eleventh Street, on the south side, from  
Senate Avenue to a point 368 feet east of Dr. Martin Luther King Jr. Street

Eleventh Street, on the south side,  
From a point 318 feet east of Dr. Martin Luther King Jr. Street,  
To a point 186 feet east of Dr. Martin Luther King Jr. Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 213, 2007 was retitled GENERAL RESOLUTION NO. 9, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 9, 2007

A PROPOSAL FOR A GENERAL RESOLUTION to request a parking meter blackout on May 25, 2007, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle.

WHEREAS, Memorial Day began as Decoration Day where those who perished during the Civil War were remembered and their graves decorated; and

WHEREAS, later, veterans who gave the supreme sacrifice to preserve freedom in all of America's wars were honored on Memorial Day, a patriotic day which, in 1971, became a national holiday; and

WHEREAS, Memorial Day is a special time in Indianapolis, with thousands of visitors and exciting events; and

WHEREAS, remembering the bedrock reason for the holiday, the 500 Festival Memorial Service will be held on Monument Circle in downtown Indianapolis on Friday, May 25, 2007, where appropriate homage will be accorded in a public memorial ceremony to these American patriots who gave their lives for our liberties; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The Indianapolis City-County Council, recognizing the importance of Memorial Day weekend in Indianapolis for local residents and visitors, and for its international attention, requests that the Department of Public Works issue a one-day blackout of downtown Indianapolis' parking meters on May 25, 2007, as a token of the City's thanks and gratitude for those patriots who fought and died to keep America free.

SECTION 2. The Department of Public Works shall issue and implement a one-day blackout of downtown Indianapolis's parking meters on May 25, 2007, for the area bounded by St. Clair Street, South Street, East Street, and West Street.

SECTION 3. This resolution shall be in effect upon adoption and compliance with Ind. Code § 36-3-4-14.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Mansfield and Langsford in memory of Bo, the IMPD K-9 killed in the line of duty; and
- (2) Councillor Gray in memory of Reverend Robert L. Sykes, Sr, Elora Elaine Howard, Otis Lee Barnett and Isaiah Williams; and
- (3) Councillor Cockrum in memory of Chad S. Jester and Donald L. Chelf; and
- (4) Councillor Nytes in memory of Larry Lazart and Lois Scott; and
- (5) Councillor Langsford in memory of Harry Dearing.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Bo, the IMPD K-9 killed in the line of duty, Reverend Robert L. Sykes, Sr, Elora Elaine Howard, Otis Lee Barnett, Isaiah Williams, Chad S. Jester, Donald L. Chelf, Larry Lazart, Lois Scott, and Harry Dearing. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of



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the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:36 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 21st day of May, 2007.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

